

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Albert Abrahams, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 5.5 zone to an BL zone; for the following reasons:

(see attached brief)

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract purchaser _____ Legal Owner _____
Address _____ Address _____
Petitioner's Attorney _____ Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1974, at 1:00 o'clock.

Sh. M. P. P. P.
Zoning Commissioner of Baltimore County.
(over)

"Kirkman vs. Montgomery County Council, supra; Agneslane, Inc. vs. Lucas, supra; Bosley vs. Hospital for Consumptives, supra; Mayor & City Council of Balto. vs. Sapero, 420 Md. 291, 186 A.2d 684 (1962)."

The burden is upon the Appellant Petitioner to prove to this Court that the Board's actions were arbitrary, unreasonable or capricious. This Court has thoroughly read the transcript of the record and can state without equivocation that the issue in front of the Board was fairly debatable. It is not up to this Court to substitute its judgment for that of the County Board of Appeals. The law as stated by the County Board of Appeals in reference to the presumption of correctness of the comprehensive rezoning maps is properly stated. As stated before, a complete review of the record substantiates the Board's findings that there was insufficient evidence of mistake or change to warrant the requested reclassification.

For the reasons stated herein, it is this 11 day of February, 1974, by the Circuit Court for Baltimore County, ORDERED that the Opinion of the County Board of Appeals be and the same is hereby AFFIRMED, and the appeal is DENIED.

H. K. MacDaniel
H. K. MACDANIEL
JUDGE

Copy to:
Judith Stark, Attorney-at-Law
Myron J. Ashman, Esq.
Edward G. Wyatt, Esq.
John W. Hessian, Jr., Asst. County Solicitor
County Board of Appeals

PETITION FOR RECLASSIFICATION * IN THE CIRCUIT COURT
from D.R. 5.5 zone to B.L. zone * FOR BALTIMORE COUNTY
N/S of Old Court Road 580.42' E. *
2nd District *
AT LAW
vs. *
ALBERT ABRAHAMS, Petitioner * MISC. CASE: 5297
No. 73-61-R * DOCKET: 9
BALTIMORE COUNTY, MARYLAND * FOLIO: 426

MEMORANDUM OPINION and ORDER

This matter involves an appeal from the County Board of Appeals of Baltimore County, which by its Order dated April 19, 1974, denied to Petitioner, Albert Abrahams, a reclassification from D.R. 5.5 to B.L. for the subject property located on the north side of Old Court Road opposite Rolling Road in the Second District of Baltimore County.

The appeal was filed with this Court on May 20, 1974. A hearing was held by the Court on November 19, 1974, at which time counsel for Petitioner and Protestants presented oral argument. On November 26, 1974, Baltimore County made a motion for leave to appear as amicus curiae in this matter. The motion was granted by the Court in November, 1974.

When this case was heard on November 19, 1974, all parties were given thirty days to file memorandums. Baltimore County, Maryland after its Motion and Order of Court to appear as amicus curiae on November 26, 1974, was also given thirty days to file a memorandum. Neither Baltimore County, Maryland nor counsel representing the Protestants have to this date

RE: PETITION FOR RECLASSIFICATION * IN THE
from D.R. 5.5 zone to B.L. zone * CIRCUIT COURT
N/S of Old Court Road 580.42' E. * FOR
of Three Oaks Road * BALTIMORE COUNTY
2nd District *
Albert Abrahams *
Petitioner *
No. 73-61-R *

ORDER FOR APPEAL

Mr. Clerk:

Please note an appeal to the Circuit Court for Baltimore County from the Decision and Order of the County Board of Appeals of Baltimore County, dated April 19, 1974, on behalf of Albert Abrahams, denying the requested reclassification.

Edward G. Wyatt
Edward G. Wyatt
10 Light Street
Baltimore, Maryland 21202
Phone: 727-7060
Attorney for Petitioner

I hereby certify that on this _____ day of May, 1974, a copy of the foregoing Order for Appeal was served on the County Board of Appeals, County Office Building, Towson, Maryland 21204, prior to the filing hereof and a copy was sent to Judith Stark, Esquire, 1413 Reisterstown Road, Baltimore, Maryland 21208, and to Myron J. Ashman, Esquire, 1708 Court Square Building, Baltimore, Maryland 21202.

Edward G. Wyatt
Edward G. Wyatt

Service of a copy of the Order for Appeal in Case No. 73-61-R is admitted this _____ day of May, 1974.

By: Edith P. Eschbach
County Board of Appeals

LAW OFFICE
DELLA & WYATT
SUITE 110
10 LIGHT STREET
BALTIMORE, MD. 21202
TELEPHONE 301-727-7060

filed a memorandum, nor has the attorney representing the original Petitioner. The Court has therefore reviewed the entire transcript, has researched the law, and is now ready to make its determination without the benefit of memoranda. The reason for the Court's action is that more than sufficient time has passed for the submission of the memoranda and the case must eventually be decided.

As stated in the Opinion of the County Board of Appeals, "Once again the Abrahams property has found its way through the maze of available zoning procedures to reach this County Board of Appeals for the third time. The proposed use of the subject property is basically the same as it was on each of the two prior hearings before this Board." As can be seen the subject property is a much litigated 5.2 acres roughly triangular in shape with approximately 900 feet of frontage bordering Old Court Road. This property was the subject of two previous zoning petitions in which the Petitioner's request for rezoning was denied in final litigation by the Court of Appeals. See Miller v. Abrahams, 239 Md. 263 and Miller v. Abrahams, 257 Md. 126.

At the hearing in front of the County Board of Appeals in this case the transcript of the two prior hearings before the Board were admitted into evidence. In addition, the Petitioner produced four witnesses to testify in favor of his petition. Needless to say each of these witnesses extolled the virtues of the subject property and its suitability for the proposed neighborhood shopping center. The Board found that the sole question to be decided in order to grant or deny the requested reclassification was whether or not there was strong and sufficient evidence of mistake in the comprehensive rezoning.

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RE: PETITION FOR RECLASSIFICATION * IN THE
from D.R. 5.5 zone to B.L. zone * CIRCUIT COURT
N/S of Old Court Road 580.42' E. * FOR
of Three Oaks Road * BALTIMORE COUNTY
2nd District *
Albert Abrahams *
Petitioner *
No. 73-61-R *

PETITION TO ACCOMPANY ORDER FOR APPEAL

The Petition of Albert Abrahams, by Edward G. Wyatt, his attorney, respectfully represents unto your Honor as follows:

- That he is the owner of the property which is the subject matter of this Appeal.
- The action of the County Board of Appeals of Baltimore County in denying the requested reclassification of the above properties by its Order of April 19, 1974 was erroneous for the following reasons:
 - The action of the County Board of Appeals of Baltimore County was unreasonable, arbitrary and unlawful in that it was contrary to the evidence and the weight of the evidence.
 - The County Board of Appeals of Baltimore County misconstrued and misinterpreted the evidence before it.
 - The decision of the County Board of Appeals of Baltimore County was not supported by any substantial evidence in the record.
 - The County Board of Appeals of Baltimore County erroneously interpreted the law.
 - The uncontradicted evidence showed that the property was not suited for development with the D.R. 5.5 zone and the continuance of such zone is confiscatory.

WHEREFORE, the Appellant prays that this Honorable Court, by its Order:

Edith P. Eschbach
3/4 PM

LAW OFFICE
DELLA & WYATT
SUITE 110
10 LIGHT STREET
BALTIMORE, MD. 21202
TELEPHONE 301-727-7060

or whether or not there was evidence of substantial change in the character of the neighborhood since the adoption of the comprehensive rezoning maps. The rezoning maps involved are those comprehensive rezoning maps as adopted most recently by the Baltimore County Council in March of 1971.

After reviewing all of the evidence, the County Board of Appeals found that the Petitioner had not overcome the heavy burden necessary to disprove the presumption of correctness of the comprehensive rezoning maps, and had not produced sufficient evidence of mistake or change to warrant the requested reclassification. They found there was virtually no evidence or testimony in the case which could not have been within the minds and knowledge of the County Council at the time of the comprehensive rezoning in March of 1971.

The Court of Appeals has specifically defined many times the scope of review of this Court in zoning appeals. These principles were set forth in C.C. Haldeman v. Board of County Commissioners of Howard County, et al., 253 Md. 298 (1969), where the Court through Judge Singley stated:

"We have often repeated the principles here applicable: courts have no power to rezone and may not substitute their judgment for that of the expertise of the zoning authority. Kirkman vs. Montgomery County Council, 251 Md. 273, 247 A.2d 255 (1968); Bosley vs. Hospital for Consumptives, 246 Md. 197, 227 A.2d 746 (1967); Board of County Commissioners for Prince George's County vs. Fair, 242 Md. 715, 218 A.2d 923 (1966). It has long been settled that the zoning authority's determination is correct; if there were such legally sufficient evidence as would make the question fairly debatable. Ark Redi-Mix Concrete Corp. vs. Smith, 251 Md. 1, 246 A.2d 220 (1968); Mayor and City Council of Greenbelt vs. Bd. of County Comm'rs for Prince George's County, 247 Md. 670, 234 A.2d 140 (1967); Agneslane, Inc. vs. Lucas, 247 Md. 612, 233 A.2d 757 (1967). Further, the one who attacks the determination made by the authority must show that it was arbitrary, unreasonable or capricious.

- 3 -

(a) Please see the action of the County Board of Appeals of Baltimore County.

Edward G. Wyatt
Edward G. Wyatt
10 Light Street
Baltimore, Maryland 21202
Phone: 727-7060
Attorney for Petitioner

I hereby certify that on this _____ day of May, 1974, a copy of the foregoing Petition was served on the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204, prior to the filing hereof and a copy to Judith Stark, Esquire, 1413 Reisterstown Road, Baltimore, Maryland 21208, and to Myron J. Ashman, Esquire, 1708 Court Square Building, Baltimore, Maryland 21202.

Edward G. Wyatt
Edward G. Wyatt

LAW OFFICE
DELLA & WYATT
SUITE 110
10 LIGHT STREET
BALTIMORE, MD. 21202
TELEPHONE 301-727-7060

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had, and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1972, that the herein described property or area should be and the same is hereby reclassified, from a one to a one, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show error in the original zoning map or substantial changes in the character of the neighborhood,

the above Reclassification should NOT BE HAD, and no Special Exception should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1972, that the above Reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a D.R. 5.5.

Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from D.R. 5.5 zone to B.L. zone : FOR BALTIMORE COUNTY
N/S of Old Court Road 580.42' E. : Misc. Docket No. 9
of Three Oaks Road :
2nd District :
Albert Abrahams : Folio No. 426
Petitioner : File No. 5297
No. 73-56-R

ANSWER TO PETITION
TO ACCOMPANY ORDER FOR APPEAL

The Answer to Petition to Accompany Order for Appeal on behalf of Bernard H. Miller, et al. Protestants appearing before the Board of Appeals in the above entitled matter, by Judith P. Stark and Myron J. Ashman, their attorneys, respectfully represents unto this Honorable Court.

1. That they admit the allegations contained in Paragraph 1 of said Petition.

2. That they deny the allegations contained in Paragraph 2 (a), (b), (c), (d) and (e) of the said Petition.

3. And further answering said Petition the Protestants state that the opinion of the County Board of Appeals shows that they fully understood the nature of this case and after full consideration ruled correctly in denying the rezoning request of the Petitioner.

Wherefore the Protestants herein pray that the Petition be dismissed.

And as in duty bound, etc.

Myron J. Ashman
1708 Court Square Building
Baltimore, Maryland 21202
539-1709

Judith P. Stark
1413 Reisterstown Road
Pikesville, Maryland 21208
895-2270
Attorneys for Protestants

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 zone to B.L. zone : COUNTY BOARD OF APPEALS
N/S of Old Court Road 580.42' E. :
of Three Oaks Road : OF
2nd District : BALTIMORE COUNTY
Albert Abrahams :
Petitioner : No. 73-56-R

OPINION

Once again the Abrahams property has found its way through the maze of available zoning procedures to reach this County Board of Appeals for the third time.

The proposed use of the subject property is basically the same as it was on each of the two prior hearings before this Board. Differences exist in the point of time and the ease of this Board; said differences shall result in a different conclusion.

The subject property consists of approximately 5.2 acres, and is located on the north side of Old Court Road approximately 580 feet east of Three Oaks Road, in the Second Election District of Baltimore County. The location is directly opposite the proposed extension of new Rolling Road, which eventually will be extended through to the Liberty Road. Also immediately across Old Court Road from the subject property is the Old Court Junior High School.

The subject petition requests a reclassification from D.R. 5.5 to B.L. If successful the Petitioner, Albert Abrahams, proposes to develop the subject property as a small neighborhood shopping center. The transcript of the two prior hearings before this Board were admitted into evidence. In addition, the Petitioner produced four witnesses to testify in favor of his petition. Three of these witnesses were experts, i.e. William D. Purwin, a consulting engineer with more than thirty years of local experience, Jack Bradiere, a well known local real estate expert, and Bernard Willemain, an equally well known land planner and zoning consultant. Stanley Abrahams, the son of the Petitioner, was the other witness for the Petitioner. Each of these witnesses extolled the virtues of the subject property and its suitability for the proposed neighborhood shopping center.

The Board feels it unnecessary to cite further in detail the testimony and

I HEREBY CERTIFY, That on this 30th day of September, 1974, a copy of the foregoing Answer to Petition to Accompany Order for Appeal was mailed to the County Board of Appeal of Baltimore County, and Edward G. Wyatt, Esq., Attorney for Petitioner.

Judith P. Stark
Of Counsel for Protestants

Albert Abrahams - No. 73-56-R

2.

evidence as offered by the Petitioner. Suffice it to say that none, in the mind of this Board, overcomes the burden of disproving the presumption of correctness of the comprehensive zoning maps as adopted most recently by the Baltimore County Council in March of 1971.

The sole question to be decided by this Board in order to grant or deny the requested reclassification is whether or not there is strong and sufficient evidence of mistake in the comprehensive rezoning, or whether or not there is evidence of substantial change in the character of the neighborhood since the adoption of the comprehensive rezoning maps described above. As has been cited in numerous decisions of the Maryland Court of Appeals, this burden is onerous.

Considering and reflecting upon the testimony and evidence offered by the Petitioner, it is the judgment of this Board that the Petitioner has not overcome this heavy burden and has not produced sufficient evidence of mistake or change to warrant the requested reclassification. There is virtually no evidence or testimony in this case which could not have been within the minds and knowledge of the County Council at the time of the comprehensive rezoning in March of 1971. The mere fact of certain projects since the time of the adoption of the zoning maps in this instance do not, in the minds of this Board, constitute error or change sufficient to grant the requested reclassification. Perhaps at one time in the past the subject parcel might have been a location for the petitioned small neighborhood center, but times and needs have changed. There is nothing in the record of this case to indicate that the County Council did not fully comprehend the reclassification of the subject property at the time of the adoption of the comprehensive use maps. To reclassify the subject tract at this time, in the mind of this Board, would be tantamount to spot zoning.

As stated above, there is a strong presumption of correctness of the comprehensive rezoning, and it is the judgment of this Board that the Petitioner has not overcome this presumption of correctness. Therefore the Petitioner's request for reclassification in the subject case shall be denied, and the Order of the Zoning Commissioner shall be affirmed.

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 5.5 to B.L. : CIRCUIT COURT
N/S Old Court Road, 580.42' :
E. Three Oaks Road : FOR
2nd District : BALTIMORE COUNTY
Albert Abrahams :
Petitioner-Appellant : AT LAW
Zoning File No. 73-56-R : Misc. Docket No. 9
Folio No. 426
File No. 5297

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, &c.

Edith T. Eichenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Edward G. Wyatt, Esquire
Myron J. Ashman, Esquire
Mes. Judith P. Stark

Albert Abrahams - No. 73-56-R

3.

ORDER

For the reasons set forth in the foregoing Opinion, the Board of Appeals affirms the Order of the Zoning Commissioner dated December 5, 1972, and it is this 19th day of April, 1974, by the County Board of Appeals ORDERED, that the reclassification petitioned for, from D.R. 5.5 to B.L., be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Rafter, Jr., Chairman

Robert J. Gilland

John A. Miller

LAW OFFICES
DELLA & WYATT
SUITE 1116
40 LIGHT STREET
BALTIMORE, MARYLAND 21202
(410) 727-1060
April 5, 1972

GEORGE W. DELLA
JOSEPH H. WYATT
EDWARD G. WYATT
MARSHALL H. WYATT

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Property of Albert Abrahams

Dear Mr. DiNenna:

I am filing a petition in the above-subject case and wish to cite as a basis the following reasons which constitute error in the zoning maps signed March 24, 1971.

1. That Old Court Road has been realigned and is a physical reality.

2. That the proposed Rolling Road as a major collector of Liberty Road to Old Court Road is a proposed developers road which will intersect at the subject property.

3. That the Planning Board and Council failed to provide a neighborhood shopping center which is needed for the further development of this area.

4. That there is a need for a convenient shopping center within the proximity of the collector road.

5. That the collector road which will carry a high volume of traffic will prevent residential development of the subject property.

6. And for other and further sufficient reasons to be shown at the hearing hereof pertaining to the changes in the character of the neighborhood and error committed in the zoning maps.

Very truly yours,

Edward G. Wyatt

EGW:kn

MAY 12 1975

RE: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to S.L.
N/3 Old Court Road 580.42'
E. Three Oaks Road
2nd District

Albert Abrahams
Petitioner-Appellant

Zoning File No. 73-56-R

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 9
Folio No. 426
File No. 5297

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Robert L. Gillond and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 73-56-R

Apr. 5, 1972 Letter from Edward G. Wyatt, Esquire, Attorney for the Petitioner, to Zoning Commissioner citing reasons which constitute error in the zoning maps of March 24, 1971 with regard to the subject property

" 17 Comments of the Baltimore County Fire Department filed

" 19 Comments of the Baltimore County Department of Health filed

" 26 Comments of the Baltimore County Department of Public Works filed

" 28 Comments of the Baltimore County Department of Traffic Engineering filed

May 1 Comments of the Baltimore County Office of Planning and Zoning filed

" 8 Comments of the Baltimore County Zoning Advisory Committee filed

Comments of the Baltimore County Board of Education filed

Planning Board Recommendations filed

July 17 Petition of Albert Abrahams for reclassification from D.R. 5.5 to S.L. on property located on the north side of Old Court Road, 580.42' east of Three Oaks Road, 2nd District filed

" 17 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for September 20, 1972 at 1:00 p.m.

Aug. 31 Certificate of Publication in newspaper filed

ORDER

Upon the foregoing Motion, it is this 18th day of June, 1974, by the Circuit Court for Baltimore County, ORDERED that the time for transmitting the record in this case to the Circuit Court for Baltimore County be and the same is hereby extended to and including July 19, 1974.

Judge

I hereby certify that on this 18th day of June, 1974, a copy of the foregoing Motion and Order was sent to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204; to Judith Stark, Esquire, 1413 Reisterstown Road, Baltimore, Maryland 21208, and to Myron J. Ashman, Esquire, 1708 Court Square Building, Baltimore, Maryland 21202.

Edward G. Wyatt

Albert Abrahams - 9/426/5297

2.

Sept. 15, 1972 Certificate of Posting of property filed

" 20 At 1:00 p.m. hearing held on petition by Zoning Commissioner - case held sub curia

Dec. 5 Order of Zoning Commissioner denying reclassification

" 18 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner filed

Aug. 9, 1973 Hearing on appeal before County Board of Appeals

Dec. 12 Motion for Extension of Time to Transmit Record (30 days) filed

Apr. 19, 1974 Order of County Board of Appeals denying reclassification

May 20 Order for Appeal filed in the Circuit Court for Baltimore County

" 20 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County

" 22 Certificate of Notice sent to all interested parties

June 20 Motion for Extension of Time to Transmit Record (30 days) filed

July 19 Transcript of testimony filed

Petitioner's Exhibit No. 1 - Zoning File and Case No. 239/263 (by reference)

" " 2 - Zoning File and Case No. 257/126 (by reference)

" " 3 - Plan of subject property prepared 2/8/73

" " 4 - File #73-56-R

" " 5 - Aerial Photo 2/5/68

" " 6 - " " August, 1969

" " 7 - " " 3/28/72

" " 8 - Sign (Metal) (in care of Petitioner's attorney)

Protestants' Exhibit A - List of Protestants present 8/9/73

" B - Resolution of Greater Randalstown Community Council

" C - Composite photograph

" D - 3 Photos of Kimberleigh

" E - 200 scale Photogrammetric NW 6 G

" F - " " " NW 7 G

PURDON AND JESCHKE, Engineers - 1023 N. Calvert Street, Balto., Md. 21202

Albert Abrahams - 9/426/5297

3.

Protestants' Exhibit G - 200 scale Photogrammetric NW 6 H

" " H - " " " NW 7 H

" " I - (1 & 2) Chart made by Captain

" " J - List of Protestants present 12/12/73

July 19, 1974 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board ordered are permanent records of the Zoning Department of Baltimore County, and are also the use district maps, and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

ALBERT ABRAHAMS
vs.
WALTER A. REITER, JR., and
ROBERT L. GILLOND, and
JOHN A. MILLER, being and
constituting the COUNTY BOARD
OF APPEALS FOR BALTIMORE
COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 73-56-R

MOTION FOR EXTENSION OF TIME
TO TRANSMIT RECORD

Albert Abrahams, by Edward G. Wyatt, his attorney, moves pursuant to Maryland Rule 87 b, that the time for transmission of the Record in this Appeal to this Honorable Court be extended to and including July 19, 1974. The grounds for the Motion are as follows:

1. That the record is due to be filed in the Circuit Court for Baltimore County on or before June 19, 1974.
2. Although Movant promptly ordered a transcript of testimony upon filing the Appeal, counsel for Movant has been advised by the Secretary to the County Board of Appeals for Baltimore County that the Record cannot be completed and delivered within the time prescribed by the Maryland Rules.
3. That the County Board of Appeals has advised that they will need approximately an additional thirty (30) days within which to complete and deliver the Record.

Edward G. Wyatt
Edward G. Wyatt
10 Light Street, Suite 115
Baltimore, Maryland 21202
Phone: 727-7000

LAW OFFICES
EDWARD G. WYATT
SUITE 115
10 LIGHT STREET
BALTIMORE, MD. 21202
TELEPHONE 727-7000

TIMOTHY
LAW OFFICES

FRANK E. CICONE
Attorney At Law
SUITE 411 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
December 15, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Reclassification
N/3 of Old Court Road, 580.42'
E of Three Oaks Road - 2nd District
Albert Abrahams - Petitioner
Case No. 73-56-R (Item No. 39)

Dear Mr. DiNenna:

Please note an appeal to the Board of Appeals from your Order dated December 5, 1972, denying the reclassification of the subject property from D.R. 5.5 to S.L.

I am enclosing herewith my check in the amount of \$70.00 to cover the cost of the appeal.

Very truly yours,
Frank E. Cicone

EC:kn
Encl.

RECEIVED
JUL 19 1974
ZONING DEPARTMENT
By: _____

DESCRIPTION

Page 2

DESCRIPTION TO ACCOMPANY
APPLICATION FOR ZONING RECLASSIFICATION
PROPERTY OF
ALBERT ABRAHAMS
2nd DISTRICT DISTRICT
BALTIMORE COUNTY, MARYLAND

Old Court Road as relocated and shown on Baltimore County Right of Way drawing numbers NW 66-216-3 and NW 66-216-4, thence binding along the northernmost line of Old Court Road as relocated the two following courses and distances viz.:

- (1) South 72° 43' 30" West 350.33 feet, and
- (2) 416.20 feet in a westerly direction along the arc of a curve to the right having a radius of 970 feet to the place of beginning, containing 5.2 acres of land more or less.

BEING part of that parcel of land which by deed dated March 30, 1962, recorded among the aforesaid Land Records in Liber W.J.R. 3974 at Folio 214 was conveyed by Edward Pierce, Trustee, to Albert Abrahams.

BEGINNING for the same at a point on the northernmost line of Old Court Road, as shown on the Plat of Plat 2, Section 3, Belle Farm Estates, said Plat being recorded among the Land Records of Baltimore County, Maryland in Plat Book W.J.R. 25 at Folio 123, said point being the southeast corner of Lot No. 1, Block H, of the aforesaid Plat of Plat 2, Section 3, Belle Farm Estates, and distant 500.42 feet southeasterly from the beginning of a fillet connecting said northernmost line of Old Court Road with the easternmost line of Three Oaks Road, said point being also the beginning of the tenth or North 35° 24' 00" East 411.96 feet line of that parcel of land which by deed dated March 30, 1962, recorded among the aforesaid Land Records in Liber W.J.R. 3974 at Folio 214 was conveyed by Edward Pierce, Trustee, to Albert Abrahams, and running thence binding along the southeast outlines of Lot Nos. 1, 19, 20, 21, 22, 23, 24, and 25, to the line of the aforesaid Plat of Belle Farm Estates and along the Tenth and Eleventh Lines of the above mentioned parcel of land the two following courses and distances, viz.:

- (1) North 35° 24' 00" East 411.96 feet, and
- (2) North 37° 12' 10" East 240.58 feet to the beginning of the above mentioned parcel of land, thence binding along the First Line and along part of the Second Line of the above mentioned parcel of land the two following courses and distances, viz.:

- (1) South 37° 12' 10" East 504.41 feet and
- (2) South 28° 57' 53" East 129.79 feet to the northernmost line of



March 30, 1973

PURDON AND JESCHKE, Engineers - 1023 N. Calvert St. Baltimore, Md. 21202

MAY 12 1975

Edward G. Wyatt, Esquire
10 Light Street
Baltimore, Maryland 21202

RE: Petition for Reclassification
N/S of Old Court Road, 580.42
E of Three Oaks Road - 2nd
District
Albert Abrahams - Petitioner
Case No. 73-56-R (Item No. 39)

I have this date passed my Order in the above captioned matter. Copy of said Order is attached.

9. ERIC DI NENNA
Zoning Commissioner

Attachments

cc: Frank E. Cicone, Esquire
411 Jefferson Building
Towson, Maryland 21204

Mrs. Judith P. Stark
1413 Reisterstown Road
Pikesville, Maryland 21208

Myron J. Ashman, Esquire
1708 Court Square Building
Baltimore, Maryland 21202



EVALUATION COMMENTS

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.

Mr. Oliver L. Myers
Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Cycle Zoning III
Item 39 - ZAC - 4-4-72
Property Owner: Albert Abrahams
Old Court Road opp. Rolling Road
Reclassification to BL - District 2

This item was originally reviewed by this office as zoning case 67-259R.

This petition wishes to change 5.2 acres from DR 5.5 to BL. This should increase the trip density from 250 to 2500 trips a day. Old Court Road is designed as a residential collector. A neighborhood shopping center in this location could reduce some commercial trips to Liberty Road, provided the commercial zoning does not expand beyond 5 acres.

Additional channelization may be required at the intersection of Old Court and Rolling Roads. The main entrance to this shopping center must be opposite Rolling Road. If the monumental type entrance is to be used, it must be at least 100 feet in length with no internal entrances in that 100 feet.

Should signalization be required at the entrance, a portion of that cost shall be the responsibility of the developer.

C. Richard Moore
Assistant Traffic Engineer

would be permitted as of right. If this is anticipated it should be indicated on the revised plans.

OLIVER L. MYERS, Chairman
JOHN J. DILLON, JR., Zoning

cc: State Office Building
Annapolis, Maryland 21401
Attention: Department of Water Resources

Bureau of Engineering
ELLSWORTH H. DIVER, B. E., CHIEF

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Item #39 (Cycle April - October 1972)
Property Owner: Albert Abrahams
N/S Old Court Rd., opposite Rolling R
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to
District: 2nd No. Acres: 5.2 acres

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Old Court Road must be widened to a full 42-foot bituminous paving cross-section with combination curb and gutter.

The entrance locations are subject to approval by the Department of Traffic Engineering.

In accordance with the drainage policy for this type development, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Re: Item #39 (Cycle April - October 1972)

There is an existing 16-inch water main in Old Court Road.

Permission to obtain a metered connection from this existing main may be obtained from the Department of Permits and Licenses.

Public sanitary sewerage can be made available to serve this property by constructing a public sanitary sewer extension from the existing 8-inch public sanitary sewer in Old Court Road, shown on Drawing #60-619, A-10, 1. The Petitioner's engineer can prove that the existing sewers can accept the sewage flow from his site, without overloading the existing sewers.

ELISWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:HGS:00

NW 7 G Topo Sheet

Edward G. Wyatt, Esquire
10 Light Street
Baltimore, Maryland 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Item # 39

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing

this 17th day of July 1972

Eric DiMenna
S. ERIC DIMENNA,
Zoning Commissioner

Petitioner: Albert Abrahams

Petitioner's Attorney: Edward G. Wyatt, Esq.

Reviewed by *Edward G. Wyatt*
Chairman,
Advisory Committee

2 SIGNS

73-56-12

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 2nd

Date of Posting: SEPT. 2 - 1972

Posted for: RECLASSIFICATION

Petitioner: ALBERT ABRAHAMS

Location of property: N/S. OF OLD COURT RD. 580 FT. 1/2 IN. E. OF

THREE OAKS RD.

Location of Signs: N/S. OF OLD COURT RD. 600 FT. 1 - E. OF THREE

OAKS RD. @ N/S. OF OLD COURT RD. ACROSS FROM POLLINS RD.

Remarks:

Posted by *Charles M. Neal*
Signature

Date of return: SEPT. 15 - 1972

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 11196

DATE September 10, 1972 ACCOUNT 01-662

AMOUNT \$10.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

Edward G. Wyatt, Esquire
Cost of Posting Property of Albert Abrahams for Appeal
Hearing
N/S of Old Court Road, 580.42' E of Three Oaks Road -
2nd District
Case No. 73-56-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 5829

DATE Dec. 4, 1972 ACCOUNT 01-662

AMOUNT \$110.92

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

Southway Realty Co.
2135 N. Fulton Ave.
Baltimore, Md. 21227
Advertising and posting of property for Albert Abrahams
#73-56-B

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 3611

DATE May 9, 1972 ACCOUNT 01-662

AMOUNT \$50.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

Edward G. Wyatt, Esq.
10 Light St.
Baltimore, Md. 21202
Petition for Reclassification for Albert Abrahams

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15304

DATE 7/19/74 ACCOUNT 01-712

AMOUNT \$21.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

Cost of certified documents in Case No. 73-56-R

Albert Abrahams, Petitioner

21.00 MSC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 5881

DATE January 10, 1973 ACCOUNT 01-662

AMOUNT \$70.00

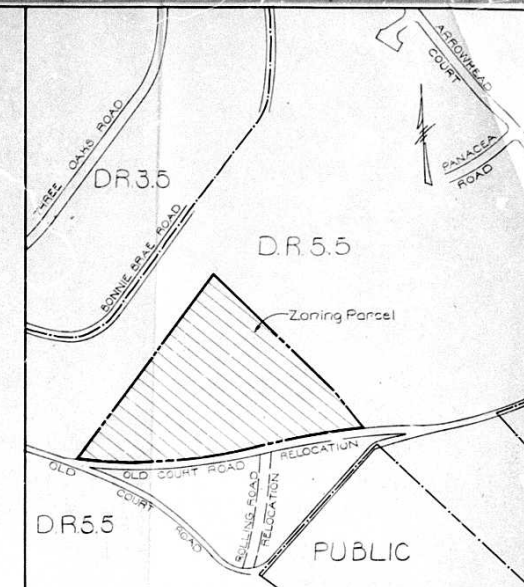
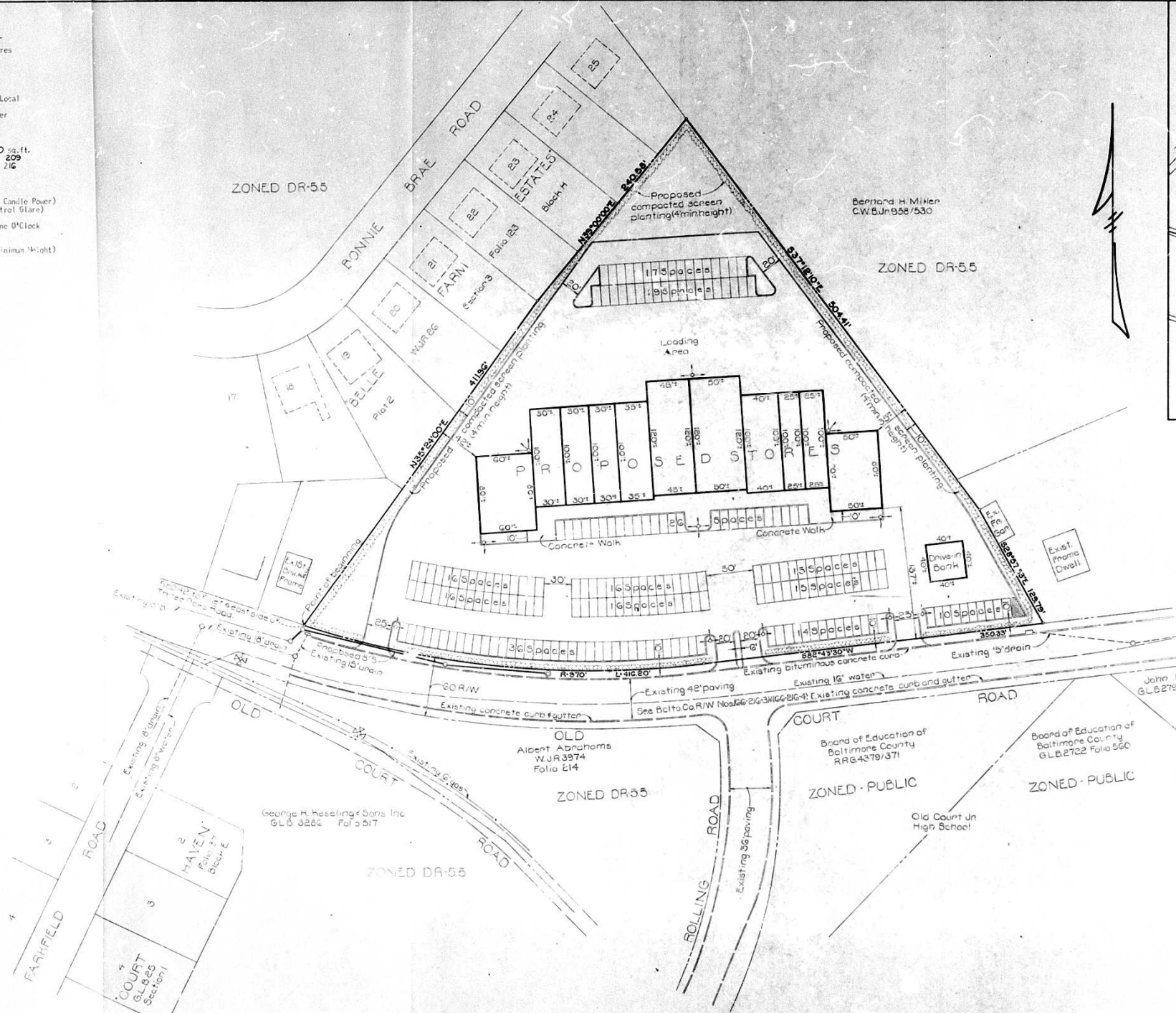
WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

Frank E. Ciccone, Esquire
Cost of Appeal on Case No. 73-56-R
N/S of Old Court Road, 580.42' E of Three Oaks
Road - 2nd District
Albert Abrahams - Petitioner

70.00 MSC

1. Gross Area of Tract - 5.2 Acres
2. Present Zoning - D.R. 5.5
3. Present Use - Vacant
4. Proposed Zoning - Business, Local
5. Proposed Use - Shopping Center
6. Parking Data:
 - a) Use - Shopping Center
 - b) Total Floor Area - **4,700** sq.ft.
 - c) No. of Spaces Required - **229**
 - d) No. of Spaces Provided - **216**
 - e) All Spaces - 9' x 20'
7. Lighting:

Low Intensity (One Half Foot Candle Power)
Flashing (Shown to Control Glare)
Shown Thus:
Operating Hours - Dusk to Nine O'Clock
8. Screening:
 - a) Compacted Planting (4' Minimum Height)



LOCATION PLAN
SCALE 1"=200'

PURDUM & JESCHKE
CONSULTING ENGINEERS &
LAND SURVEYORS
1023 N. CALVERT STREET
BALTIMORE, MARYLAND 21202



W. L. and J. P. Anderson 28 173

OWNER
ALBERT ABRAHAMS
2135 N. FULTON AVENUE
BALTIMORE, MARYLAND 21218

PLAN TO ACCOMPANY
APPLICATION FOR ZONING RECLASSIFICATION
PROPERTY OF
ALBERT ABRAHAMS
ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
FEBRUARY 8, 1973 SCALE 1"=30'

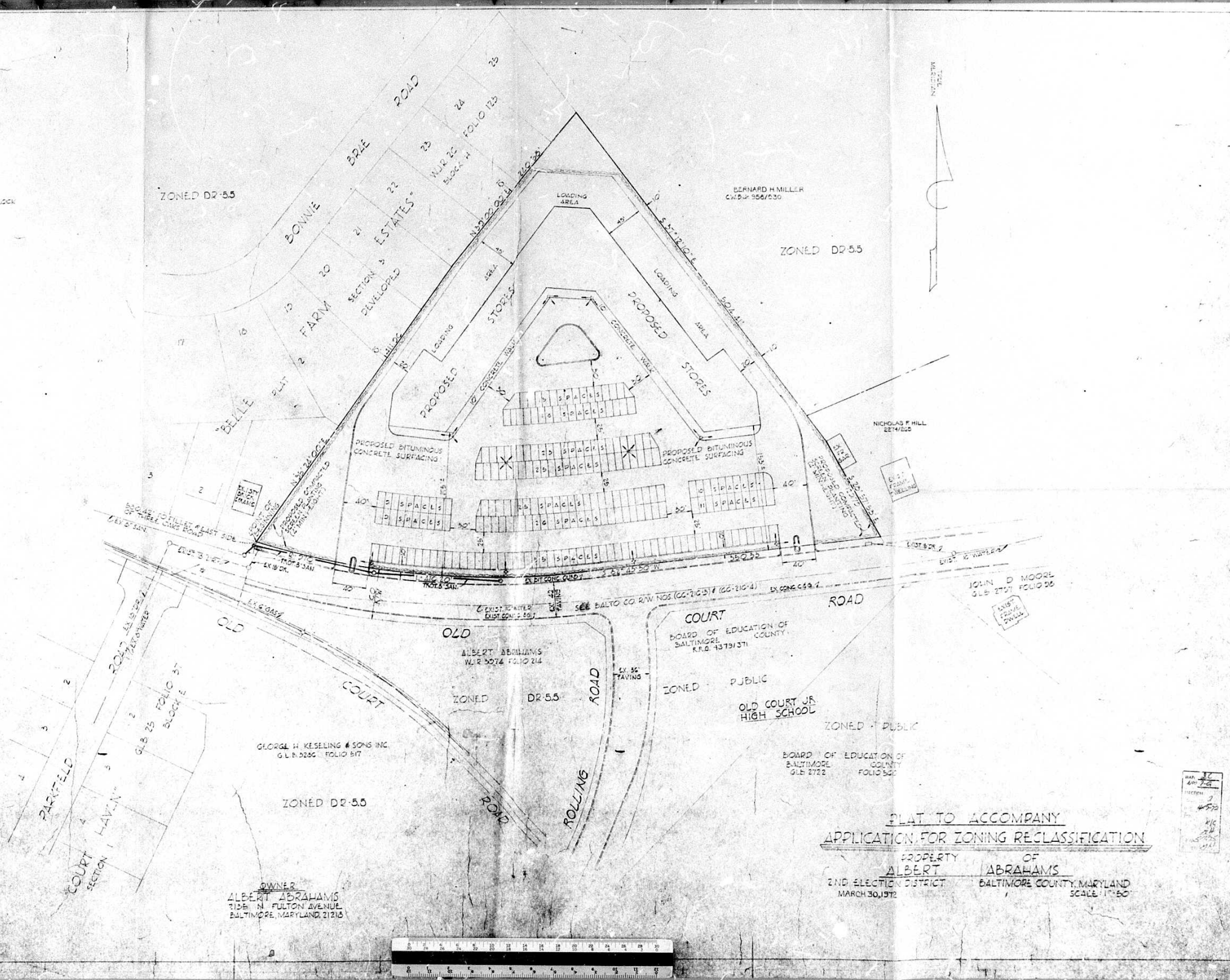


GENERAL NOTES:

1. GROSS AREA OF TRACT - 5.2 ACRES
2. PRESENT ZONING - DR-5.5
3. PRESENT USE - VACANT
4. PROPOSED ZONING - BUSINESS, LOCAL
5. PROPOSED USE - SHOPPING CENTER
6. PARKING - 220
7. LIGHTING - LOW INTENSITY (ONE HALF FOOT CANDLE POWER) FLOODLIGHTS (SHIELDED TO CONTROL GLARE) SHOWN PLUS 8 - OPERATING HOURS - DUSK TO NINE O'CLOCK

USE - SHOPPING CENTER
TOTAL FLOOR AREA - 140,550 SQ. FT.
NO. OF SPACES REQUIRED - 205
NO. OF SPACES PROVIDED - 220
ALL SPACES - 2' X 20'

LOW INTENSITY (ONE HALF FOOT CANDLE POWER) FLOODLIGHTS (SHIELDED TO CONTROL GLARE) SHOWN PLUS 8 - OPERATING HOURS - DUSK TO NINE O'CLOCK



BURDUM & JESCHKE
CONSULTING ENGINEERS &
LAND SURVEYORS
1023 N. CALVERT STREET
BALTIMORE, MARYLAND 21202

OWNER
ALBERT ABRAHAM
2156 N. FULTON AVENUE
BALTIMORE, MARYLAND 21215

PLAT TO ACCOMPANY
APPLICATION FOR ZONING RECLASSIFICATION
PROPERTY OF
ALBERT ABRAHAM
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
MARCH 30, 1972
SCALE: 1" = 50'

